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| EXAMINER |
|---|
| VUONG, QUOCHIEN B |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2618 | |

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| 12/31/2008 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DOCKETING.US@MOTOROLA.COM

| | Application No. | Applicant(s) |
|---|---|---|
| | 10/788,759 | OXLEY ET AL. |
| **Office Action Summary** | Examiner | Art Unit | |
| | Quochien B. Vuong | 2618 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>18 September 2008</u>.

2a) ☐ This action is **FINAL**.    2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>1-13,44 and 52-61</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-13, 44, and 52-61</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All  b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

### Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

09/18/2008 has been entered.

### Claim Objections

Claims 52-54 and 57-59 are objected to because of the following informalities:

claims must be ended with a period "." not a semicolon ";". Appropriate correction is

required.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-13, 44, 52,53, 57, and 58 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Toyrylar et al. (US 6,999,783) in view of Keating et al. (US Pub. No

2004/0082352) and Ahya et al. (US 6,600,928).

As for claim 1, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server (Abstract of Toyryla et al.), the method for dynamic group call comprising the steps of: specifying additional group definition information; such as security parameters and group management; which can be interpreted as a predetermined limit as to a number of second users permitted to join the group of second users; (Abstract; Col. 2, lines 55-64; Col. 3, line 54-Col. 4, line 26; Col. 5, line 35-Col. 6, line 27; Col. 7, lines 29-30; Col. 8, lines 32-35; and Col. 11, lines 29-31of Toyryla et al.); dynamically selecting by the first user without the network a selected user for inclusion in the group of second users (Abstract; Col. 3, lines 3-5 of Toyryla et al.); determining whether a number of selected second users is within a predetermined limit (Col. 7, lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.); and if the number of selected second users is within the predetermined limit, adding by the first user the selected user to the group [[a list]] of second users (Abstract and Col. 4, lines 4-44 of Toyryla et al.). Toyryla et al. do not explicitly teach is the network validating the dynamic group call. However, Keating et al. teaches method for dynamic group call from a first user to a group of second users via a network including server, wherein there is further included steps of: forwarding a list of dynamic group call members for the group of second users to the network for validation (Fig. 1; Page 3, Para 0027; and Page 4, Para 0030 of Keating et al.); receiving a group identification for the list of dynamic group call members if the list of dynamic group call members is valid (Page 3, Para 0024 and Page 4, Para 0029 of Keating et al.); and initiating the dynamic group call between the first user and the group of second users

after the list of dynamic group call memebers is validated and the first user receives the

group identification (Abstract; Fig. 2; Page 1, Para 0011; and Page 2, Para 0020 of

Keating et al.). And Ahya et al. teach a dynamic group talk that is dynamically sending

by the first user a dynamic group call list of the group of second users to the server

through the network and a time to live parameter to each of the group of second users

and to the first user validity period; which reads on claimed wherein the time to live

parameter defines the time for which the unique group call identification is valid

(Abstract; Col. 2, lines 10-18; Col. 3, line 59-Col. 4, line 3; and Col. 4, line 55-Col. 5, line

55 of Ahya et al.). In addition, Ahya et al teaches The selection of a validity period may

occur before or after selecting temporary talk group membership; Which reads on

claimed establishing a group call between the first user and the group after the group is

validated and the first user receives the group identification (Abstract Col. 2, lines 11-18

and Col. 3, line 59- Col. 4, line3 of Ahya et al.). Therefore, it would have been obvious

to one of ordinary skill of the art at the time the invention was made to incorporate a

method and apparatus for create talk groups easily, by a user, defining the membership

of the talk group, and validating a period for talk groups, as taught by Ahya et al., in the

dynamic talk group of Toyryla et al., because Toyryla et al. already teaches security

requirements, access control, and/or passwords associated additional information to the

group definition and/or unique identifier(Col. 7, line 55- Col. 9, line 35 of Toyryla et al.).

And it would have also been obvious to one of ordinary skill of the art at the time the

invention was made to incorporate a method for forming a group of communication

terminals out of a plurality of communication terminals through allocating to each of said

terminals of said group a dynamic group address associated with a group, as taught by

Keating et al., in the dynamic talk group of Toyryla et al., because Toyryla et al. already

teaches talk groups being activate on the network side of the communications system at

a given time (Col. 6, lines 4-27 and Col. 8, line 65-Col. 9, line 8 of Toyryla et al.).

The motivation of this combination would be to create new talk groups and/or

modify group membership more dynamically and, as taught by Toyryla et al. in Col. 2,

lines 8-19, because this would provide a technically simple method for creating and

managing a dynamic group from mobiles. The incorporation would dynamically control

the wireless group call in a manner that provides dynamic group membership and

accurate billing information. In addition, the dispatch communication environment is

capable of supporting a wireless group call and can change the call setup during calls

(Page 1, Para 0005 and Pages 4-5, Para 0035 of Keating et al.).

As for claim 2, Toyryla et al. teaches a method for dynamic group call from a first

user to a group of second users via a network including a server, wherein there is

further included a step of determining by the first user that the member is to be added to

the group of second users (Col. 4, lines 4-44 of Toyryla et al.).

As for claim 3, Toyryla et al. teaches a method for dynamic group call from a first

user to a group of second users via a network including a server, wherein if the number

of selected second users is not within the predetermined limit, there is further included a

step of providing a message to the first user indicating a fault (Col. 3, line 54-Col. 4, line

3 of Toyryla et al.).

As for claim 4, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein the step of adding by the first user includes a step of transmitting the group definition message/information; which reads on claimed group/member ID (identification), by the first user the second user to the network (Note: The Examiner has interpreted that the group/member ID (identification) is being transmitted) (Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 5, Toyryla et al. teach a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of storing the member in a database corresponding to the dynamic group call(Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 6, Toyryla et al. teach a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of creating the network a group identity (Col. 5, lines 8-34 in respect to Col. 5, lines 45-51 and Col. 9, lines 16-22 of Toyryla et al.).

As for claim 7, Toyryla et al. teach a method for dynamic group call from a first user to a group of second users via a network including a server, the method for dynamic group call comprising the steps of: specifying a predetermined limit as to a number of second users permitted to join the group of second users; dynamically selecting by the first user without the network or the server, a selected [[the]] group of second users (Abstract; Col. 3, lines 3-5 of Toyryla et al.); determining whether a number of the selected group of second users is within a predetermined limit (Col. 7,

lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.); and if the number of selected

second users is within the predetermined limit, adding by the first user the selected

group of second users (Abstract and Col. 4, lines 4-44 of Toyryla et al.). Toyryla et al.

do not explicitly teach is the network validating the dynamic group call. However,

Keating teaches method for dynamic group call from a first user to a group of second

users via a network including a server, wherein there is further included steps of:

forwarding a list of dynamic group call members for the group of second users to the

network for validation (Fig. 1; Page 3, Para 0027; and Page 4, Para 0030 of Keating et

al.); receiving a group identification for the list of dynamic group call members if the list

of dynamic call members is valid (Page 3, Para 0024 and Page 4, Para 0029 of Keating

et al.) .And  Ahya et al. teach a dynamic group talk that is dynamically sending

by the first user a dynamic group call list of the group of second users to the server

through the network and a time to live parameter to each of the group of second users

and to the first user validity period; which reads on claimed wherein the time to live

parameter defines the time for which the unique group call identification is valid

(Abstract; Col. 2, lines 10-18; Col. 3, line 59-Col. 4, line 3; and Col. 4, line 55-Col. 5, line

55 of Ahya et al.). In addition, Ahya et al teach the selection of a validity period may

occur before or after selecting temporary talk group membership; Which reads on

claimed initiating the dynamic group call between the first user and the group of second

user after the list of dynamic group call members is validated and the first user receives

the group identification (Abstract Col. 2, lines 11-18 and Col. 3, line 59- Col. 4, line3 of

Ahya et al.). It would have also been obvious to one of ordinary skill of the art at the

time the invention was made to incorporate a method and apparatus for create talk

groups easily, by a user, defining the membership of the talk group, and validating a

period for talk groups, as taught by Ahya et al., in the dynamic talk group of Toyryla et

al., because Toyryla et al. already teaches security requirements, access control, and/or

passwords associated additional information to the group definition and/or unique

identifier(Col. 7, line 55- Col. 9, line 35 of Toyryla et al.).  It would have also been

obvious to one of ordinary skill of the art at the time the invention was made to

incorporate a method for forming a group of communication terminals out of a plurality

of communication terminals through allocating to each of said terminals of said group a

dynamic group address associated with a group, as taught by Keating et al., in the

dynamic talk group of Toyryla et al., because Toyryla et al. already teaches talk groups

being activate on the network side of the communications system at a given time (Col.

6, lines 4-27 and Col. 8, line 65-Col. 9, line 8 of Toyryla et al.). The motivation of this

combination would be to create new talk groups and/or modify group membership more

dynamically and, as taught by Toyryla et al. in Col. 2, lines 8-19, because this would

provide a technically simple method for creating and managing a dynamic group from

mobiles. The incorporation would dynamically control the wireless group call in a

manner that provides dynamic group membership and accurate billing information. In

addition, the dispatch communication environment is capable of supporting a wireless

group call and can change the call setup during calls. (Page 1, Para 0005 and Pages 4-

5, Para 0035 of Keating et al.).

As for claim 8, Toyryla et al. teach a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of determining by the first user that the member is to be added to the group of second users (Col. 4, lines 4-44 of Toyryla et al.).

As for claim 9, Toyryla et al. teach a method for dynamic group call from a first user to a group of second users via a network including a server, wherein if the number of selected second users is not within the predetermined limit, there is further included a step of providing a message to the first user indicating a fault (Col. 3, line 54-Col. 4, line 3 of Toyryla et al.).

As for claim 10, Toyryla et al. teach a method for dynamic group call from a first user to a group of second users via a network including a server, wherein the step of adding by the first user includes a step of transmitting the group definition message; which reads on claimed group/member ID (identification) or list of second users, by the first user to the selected second user and to the network (Note: The Examiner has interpreted that the group/member ID (identification) is being transmitted) (Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 11, Toyryla et al. teach a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of storing the group of second users in a database (Col. 5, lines 8-34 in respect to Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 12, Toyryla et al. teach a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is

further included a step of creating the network a group identity (Col. 5, lines 45-51 and

Col. 9, lines 16-22 of Toyryla et al.).

As for claim 13, Toyryla et al. teach a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein there is

further included a step of determining whether a number of users exceeds a

predetermined limit (Col. 7, lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.).

Regarding claim 44, see explanation as set forth regarding claim 1 (method

claim) because the claimed method for dynamic group call from a first user to a group of

second users via a network including a server, in a first mobile device, would perform

the method steps.

As for claims 52 and 57, Toyryla et al. teach if the dynamic group call list is

invalid, providing a message by the network to the first user that a failure has occurred

(Col. 3, line 54-Col. 4, line 3 with respect to Col. 9, lines 28-35 and Col. 11, lines 3-34 of

Toyryla et al.).

As for claims 53 and 58, Toyryla et al. teach if the dynamic group call list is

validated, storing a dynamic group call identity by the first user (Col. 6, line 31-Col. 7,

line 15 of Toyryla et al.).


Claims 54-56 and 58-61 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Toyryla et al. (US 6,999,783) in view of and Keating et al. (US Pub

No. 2004/0082352) and of Ahya et al. (US 6,600,928) and further in view of Fitser et al.

(US  5,631,904).

As to claims 54 and 59, Toyryla et al., Keating et al., and of Ahya et al. do not disclose determining by the network whether a dynamic group call identifier available in the database wherein the database has a plurality of identifiers. However, Fitser et al. teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: determining by the network whether group call identifier is available in a database, wherein the database has a plurality of identifiers (Col. 1, lines 46-67; Col. 3, line 4-Col. 4, line 8; and Col. 4, line 43-Col. 5, line 25 of Fitser et al.). Therefore, it would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method for automatically establishing a conference call, as taught by Fitser et al., in the dynamic talk group of Toyryla et al., because Toyryla et al. already teaches talk groups being activate on the network side of the communications system at a given time (Col. 6, lines 4-27 and Col. 8, line 65-Col. 9, line 8 of Toyryla et al.). The motivation of this combination would be to create new talk groups and/or modify group membership more dynamically and, as taught by Toyryla et al. in Col. 2, lines 8-19, because this would provide a technically simple method for creating and managing a dynamic group from mobiles. By combining the unique ID with the call identifiers this is further restricting access to the dynamic talk group making the talk group more secure. The incorporation of call identifier with a dynamic talk group would establish a conference call between a plurality of participants identified from a data record (Col. 2, lines 27-53 and Col. 3, lines 49-62 of Fitser et al.).

As to claims 55-56 and 60-61, Fitser et al. teach if there is a dynamic group call identifier available in the database, creating a unique group ID for the dynamic group call list from one the plurality of identifiers; and if dynamic group call identifier is not available from the plurality of identifiers, selecting by the network previously used dynamic group call from the plurality of identifiers for the dynamic group call list (Col. 1, lines 46-67; Col. 3, line 4-Col. 4, line 8; and Col. 4, line 43-Col. 5, line 25 of Fitser et al.).


### Response to Arguments

Applicant's arguments filed 09/18/2008 have been fully considered but they are not persuasive.

Regarding the 112 rejection, Applicant's argument is persuasive; therefore, the previous 112 rejection has been withdrawn.

Regarding claims 1, 7 and 44, Applicant argues that Keating fails to disclose "validating the list dynamic group call members and receiving a group identification for the dynamic call group before the call is initiated". The examiner, however, does not argree with the Applicant. Applicant's attention is directed to Keating (figure 2, and paragraph [0029]) which discloses "validating the list dynamic group call members and receiving a group identification for the dynamic call group before the call is initiated" in step 42 for initiate (begin) group call, while in step 30 only initiate set-up of group call.


### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/Quochien B Vuong/
Primary Examiner, Art Unit 2618